

**MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING**

March 22, 2012

- I. **CALL TO ORDER** – The meeting was called to order at 1:32 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Eunice Beatty; Will Berkley; Marie Copeland; Mike Cravens; Mike Owens, Chair; Frank Penn; Lynn Roche-Phillips (arrived at 1:34 p.m.); and William Wilson. Absent were Carla Blanton and Patrick Brewer.

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Jimmy Emmons; Traci Wade; Tom Martin; Cheryl Gallt; and Stephanie Cunningham. Other staff members present were Rochelle Boland, Department of Law; Captain Charles Bowen, Division of Fire and Emergency Services; Jeff Neal, Division of Traffic Engineering; and Hillard Newman, Division of Fire and Emergency Services.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Cravens, seconded by Mr. Wilson, and carried 7-0 (Brewer, Blanton, and Roche-Phillips absent) to approve the minutes of the February 9, 2012, Planning Commission meeting.

- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

1. **LEXINGTON TROTS BREEDERS ASSOCIATION, LLC, ZONING MAP AMENDMENT & RED MILE MIXED-USE DEVELOPMENT (AMD.) ZONING DEVELOPMENT PLAN**

- a. MAR 2012-4: LEXINGTON TROTS BREEDERS ASSOCIATION, LLC (4/28/12)* - petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone, for 2.12 net (3.39 gross) acres, for property located at 1200 Red Mile Road (a portion of); and 439, 441, 445, 451, 455, 459, 461, 463 and 471 Nelms Avenue.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Commercial Residential Mixed Use (MU) land use for the parcels on the northeast side of Nelms Avenue, and Greenspace/Open Space (GS) on its southwest side. The properties were included in the study area of the Red Mile Development Plan, which was formulated for the Red Mile property during the spring and summer of 2009, and was accepted by the Planning Commission. This Plan was consciously substituted for a Small Area Plan for the property. The petitioner proposes MU-3 zoning, to be incorporated into the larger MU-3 zoning on the Red Mile property, for a mixed-use entertainment project. The preliminary development plan proposes a townhouse residential development with 34 dwelling units.

The Zoning Committee Recommended: **Postponement**, for the reason provided by staff.

The Staff Recommends: **Postponement**, for the following reason:

1. The current request does not meet the Greenspace/Open Space recommendation of the 2007 Comprehensive Plan and the Red Mile Development Plan for more than one-half of the subject property. The applicant's proposal appears to be contrary to the historical land use recommendations involving the subject property.
- b. ZDP 2012-13: RED MILE MIXED-USE DEVELOPMENT (AMD.) (4/28/12)* - located at 439 - 471 Nelms Avenue and a portion of 1200 Red Mile Road. **(Vision Engineering)**

Note: The purpose of this amendment is to add 34 townhouses along Red Mile Road.

The Subdivision Committee Recommended: **Postponement**. There are inconsistencies with an open space area in the Red Mile Study, and this plan.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property MU-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Greenspace Planner's approval of treatment of greenways and greenspace.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.

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9. Addition of pedestrian connections to public sidewalk system.
10. Denote number of bedrooms in site statistics.
11. Discuss need for private open space (decks/balconies).
12. Discuss front/rear orientation of units to Red Mile Road.
13. Discuss orientation of Units 26-34 to Nelms Avenue.
14. Discuss the need for sidewalks and widening on Nelms Avenue.

Petitioner Representation: Chris Westover, attorney, was present representing the petitioner. She requested a one-month postponement of this rezoning request and its associated development plan.

Action: A motion was made by Mr. Wilson, seconded by Ms. Beatty, and carried 7-0 (Blanton, Brewer, and Roche-Phillips absent) to postpone MAR 2012-4 to the April 26, 2012, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, March 1, 2012, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Eunice Beatty, Mike Owens, Will Berkley and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, Jimmy Emmons, Traci Wade, Barbara Rackers, Kenzie Gleason and Dave Jarman, as well as Captain Charles Bowen, Division of Fire & Emergency Services and Rochelle Boland, Law Department. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

A. DEVELOPMENT PLAN

Note: Mr. Berkley announced that he had a conflict with regard to the following development plan, and he must disqualify himself. He left the meeting at this time.

1. DP 2012-4: BAPTIST HEALTHCARE SYSTEM (CENTRAL BAPTIST HOSPITAL) (AMD) (4/2/12)* - located at 1740 Nicholasville Road. (Council District 4) **(HDR)**

Note: This plan was postponed at the Commission's February 9 and February 23, 2012, meetings. The purpose of this amendment is for an addition to the emergency room and to provide a canopy and pull-through drive lane for emergency medical response vehicles.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Division of Fire's approval of emergency access, fire hydrant locations, and fire gate information (agreement).
8. Division of Waste Management's approval of refuse collection.
9. Correct numbering of general notes.
10. Denote compliance with Article 18-3 of the Zoning Ordinance.
11. Resolve exterior lighting spillage with applicable requirements.

Staff Presentation: Mr. Martin began the staff's presentation of this development plan by distributing to the Planning Commission members a letter from the Southern Heights Neighborhood Association, indicating their opposition to this request. He referred to an aerial photograph of the subject property, noting the location of the hospital complex; Nicholasville Road; Hiltonia Park, just to the south of Central Baptist Hospital; the University of Kentucky's Shawneetown and Greg Page apartments; and the Southern Heights neighborhood to the south of Hiltonia Park. Mr. Martin displayed a photograph de-

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picting a closer view of the Hiltonia Park frontage of the Central Baptist Hospital property, noting the location of the access point at Hiltonia Park and McDonald Avenue. That access to the property leads to the emergency room area of the hospital, where the amendment to the development plan is proposed.

Using a rendered copy of the development plan, Mr. Martin explained that the plan depicts the entire Central Baptist Hospital property, including the area proposed for amendment. He noted the location of the existing hospital and office buildings and parking garages. The Nicholasville Road frontage of the property is heavily landscaped, which is the result of conditional zoning restrictions that were imposed on the property years ago. There are two access points to Hiltonia Park, one of which had "dropped off" an earlier version of this plan. In addition, there are three existing access points to Nicholasville Road.

Mr. Martin stated that the buildings on the subject property have over 390,000 square feet of lot coverage; total square footage of over 1.3 million square feet; and 3,574 proposed parking spaces in surface lots and garages. This proposed amendment to the plan includes a slight revision to the service aisles for emergency vehicles, and a 745 square-foot addition to the emergency room area. Mr. Martin noted that a revised staff recommendation was distributed to the Commission members prior to the start of this meeting. With regard to the conditions for approval, he said that #7 requires Division of Fire and Emergency Services approval of the one gated access that has been approved for the subject property. The nearby neighbors to the property who are opposed to this development plan have suggested several other locations for gated access in the Central Baptist parking lot; should the Commission choose to approve any additional gates, the staff is suggesting that those require the approval of the Division of Fire and Emergency Services as well. Mr. Martin said that condition #10 requires that compliance with Article 18-3 of the Zoning Ordinance be noted on the plan. On the subject property, Article 18-3 applies primarily along the property boundaries adjacent to residential uses, and to vehicular use areas. Condition #12 refers to landscape details along the southern property line that were listed on a previous plan, but are not included on this amendment to the plan. Mr. Martin stated that the staff also has concerns, which are shared by many of the nearby residents, about lighting on the hospital property. They are requesting, therefore, that spillage of any lighting be addressed by applicable standards, with which the petitioner is in agreement. Mr. Martin said that the staff is recommending approval of this plan, subject to the 12 conditions as listed in their revised recommendation.

Commission Questions: Ms. Copeland asked where the loading dock for the hospital is located. Mr. Martin indicated the location of the location dock on the rendered development plan.

Mr. Penn asked if the driveway access to Hiltonia Park nearest to Nicholasville Road is proposed to become a gated access. Mr. Martin answered that that access is currently gated, and handles only one-way traffic. Mr. Penn asked what purpose the gate serves. Mr. Martin responded that it was his assumption that that access is gated in order to control who uses it.

Mr. Wilson asked, with regard to the opposition letter from the Southern Heights Neighborhood Association, if the staff was aware of the neighbors' concerns. Mr. Martin answered that the staff had reviewed the letter, and they are aware of the concerns. Mr. Wilson asked if those issues have been addressed on this development plan. Mr. Martin replied that they have not, since the staff had just received that letter a few hours prior to this meeting.

Petitioner Presentation: Nick Nicholson, attorney, was present representing the petitioner. He thanked the staff for their willingness to work with the petitioner on addressing the neighbors' concerns, including attending a lengthy meeting with the neighborhood association. He stated that the petitioner is in agreement with the staff's recommendations.

Mr. Nicholson said that the purpose of the proposed amendment to this development plan is to increase the size of the emergency room waiting area by approximately 745 square feet. He explained that the proposed amendment would not increase the number of beds in the hospital, or include any additional patient services. The petitioner is proposing to add approximately 10 chairs to the waiting room, replace the vending machine area, and provide additional room for activities for children who are waiting. On the exterior of the building, the petitioner is proposing to increase the height of the canopy over the area where emergency service vehicles deliver patients, and add another drive aisle for those vehicles. As ambulance designs have evolved over the years, the vehicles have gotten longer, and the existing canopy is no longer adequate to provide coverage for patients as they are transported into the hospital. In addition, the canopy area can currently accommodate only two ambulances at a time, when there are sometimes as many as five ambulances waiting to offload patients. The new drive aisle would accommodate three ambulances side-by-side, to serve a total of five vehicles at a time. The current configuration of the patient unloading area requires that ambulances pass the emergency room, and then back up to unload the patient. Mr. Nicholson explained that Central Baptist Hospital is not a trauma center, but its emergency room treats a great number of heart patients, where service time is critical. The petitioner believes that the extra time spent waiting in an ambulance could be the difference between life and death for some of its patients.

Mr. Nicholson referred to the petitioner's exhibit that he had distributed to the Commission members, noting that this proposed development plan amendment is in compliance with the requirements of both the Zoning Ordinance and the Subdivision Regulations. The petitioner's facility is very large, and is nearly at capacity for lot coverage and floor area ratio. The proposed amendment would not require any additional parking spaces, and the petitioner is currently providing more than

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the required number of spaces. Mr. Nicholson said, with regard to the applicable standard for review of major amendment development plans, that Article 21-7(e) of the Zoning Ordinance states that, "...the Commission may also disapprove or modify the requested amendment if it finds that such amendments will adversely affect the public health, safety and welfare, or alter the essential character of the development as originally approved." He said that the proposed amendment would not alter the basic character of the hospital; rather, the petitioner is seeking to provide better service for its patients.

Mr. Nicholson stated that the petitioner is aware that nearby residents have raised concerns about the hospital and its effects on their neighborhoods, but they contend that this proposed canopy enlargement and addition of chairs to the ER waiting room will not exacerbate those concerns, since the petitioner is not attempting to attract new patients, just to make the existing patients more comfortable. With regard to the residents' concerns about the landscaping, he said that, without prior notice or the approval of the petitioner or the neighbors, Kentucky Utilities removed three mature trees that helped to create a buffer along McDonald Avenue. Although they are aware that they cannot replace three mature trees, the petitioner has been working with the adjoining property owner, and has offered a solution to replace the buffer. With regard to the concerns about lighting, the petitioner contends that it is essential to provide adequate lighting in their parking areas to ensure the safety of their employees, patients, and visitors. The petitioner acknowledges, however, that some of the lighting in their parking areas is outdated, and they have contracted to provide shields to direct the lights downward and away from the nearby residences. The process of adding the shields has already begun. Mr. Nicholson noted that the proposed amendment to this development plan does not include any additional light poles or canopy lighting, so there should be no increase in light spillover to the adjoining properties. He said, with regard to the neighbors' concerns about traffic generated by the hospital, that the petitioner's operation is one of the major commercial engines in Lexington-Fayette County, and they are proud of that. However, there are other uses nearby, such as Glendover Elementary School, which also create a significant amount of traffic; and the Nicholasville Road area in general is notoriously congested. That congestion leads to cut-through traffic, which is a problem throughout the city. Mr. Nicholson said that congestion can be interpreted as an indication of Lexington's success: the city is growing, and people are being drawn here from surrounding areas to work, shop, eat, and seek medical care. However, while the petitioner understands that increased traffic can create difficulties for residents on the "cut-through" streets, there is really nothing they can do that could mitigate that situation for their neighbors. Dr. Derek Paulsen, Commissioner of Planning, and Jeff Neal, Division of Traffic Engineering, have agreed to work with the petitioner and the University of Kentucky to develop some initiatives to improve traffic in the vicinity of the subject property.

Mr. Nicholson reiterated that the proposed amendment to the development plan would not generate additional traffic around the subject property. He asked that the Planning Commission consider the standards set forth in the Zoning Ordinance with regard to public health, safety, and welfare, and requested approval of this proposed development plan amendment.

Commission Questions: Ms. Copeland asked if Mr. Nicholson would like to comment on future traffic. Mr. Nicholson responded that the hospital is currently going through a major construction phase, so the typical traffic patterns in the area have changed. He noted that the loading dock area, to which Ms. Copeland referred in her earlier question to Mr. Martin, is also under construction. The petitioner has set up a "drop-off station" for deliveries across Nicholasville Road, in an effort to remove semi-trailer traffic from the surrounding neighborhood. With regard to future traffic in general, Mr. Nicholson said that the hospital makes active efforts to ensure that all of their employees use the main entrances on Nicholasville Road, rather than using the residential area as a cut-through.

Ms. Roche-Phillips asked if there is an existing access protocol for emergency vehicles entering the subject property. Mr. Nicholson answered that the main hospital entrance is very busy, and the drive aisles through the property have speed bumps for traffic calming, both of which make that entrance a poor choice for emergency vehicle access. Therefore, most ambulances use the rear Hiltonia Park entrance, which has been in place since approximately 1982. Mr. Nicholson noted that, since the ambulance drivers can be employed by either LFUCG or a number of independent contractors, it would be difficult to require all of them to adhere to the same protocol. Ms. Roche-Phillips asked if Hiltonia Park had been a cul-de-sac at some point, or if it was always configured with a 90-degree turn to McDonald Avenue. Mr. Nicholson answered that he did not know whether Hiltonia Park had ever been a cul-de-sac.

Mr. Penn stated that he is very familiar with the subject property, but he was not aware that any of the access points are controlled with a gate. Mr. Nicholson answered that there are no existing gates on the property; the access at that location is one-way onto Hiltonia Park.

Mr. Cravens asked how many parking spaces exist in the parking garage nearest to Nicholasville Road. Mr. Nicholson responded that his information includes total parking statistics for the property, but he does not know the specific number of spaces for that garage. Mr. Cravens asked if parking in that garage is restricted to employees. Mr. Nicholson answered that parking in that garage is open to anyone. Mr. Cravens asked who parks in the small lot adjacent to that garage. In response to Mr. Cravens' question about the amount of parking in the south garage, Mr. Martin noted that there are 1,277 spaces there. Mr. Nicholson added that the small parking lot adjacent to that garage provides short-term parking for the emergency room. Keith Messenger, engineer, answered that there are approximately 50 spaces in that lot, for drop-offs to the emergency room as well as some physician parking.

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Mr. Owens asked Mr. Nicholson to describe the access points to the subject property. Using the rendered development plan, Mr. Nicholson noted the location of the one-way access to Hiltonia Park, located near Nicholasville Road; the access to Hiltonia Park typically used by emergency vehicles, located near McDonald Avenue; the two main entrances to Nicholasville Road, which is used by most of the traffic entering the hospital property; and a third, smaller access to Nicholasville Road. He added that a traffic count done by the petitioner indicated that 70-80% of the traffic entering and exiting the subject property use the Nicholasville Road accesses. On a weekday morning, approximately 26% of the total traffic to the hospital used the Hiltonia Park access. Mr. Nicholson added, in response to Ms. Roche-Phillips' earlier question, that, in 1929, McDonald Avenue formed a "T" intersection with Hiltonia Park.

Citizen Support: There were no citizens present to speak in support of this request.

Chairman Comment: Mr. Owens asked that anyone who wished to speak in opposition to this request please be respectful, and avoid being repetitive.

Citizen Opposition: Mark Yanik, 1822 McDonald Avenue, stated that he is a landscape architect, and he has lived adjacent to the subject property for the past seven years. He submitted into the record of the meeting a petition in opposition to this request.

Susan Tegtmeier, 107 Shady Lane, stated that many of the houses in the Southern Heights neighborhood were built in the 1920s and 1930s; many of the roads were constructed by 1922. She said that Central Baptist Hospital as it exists today bears little resemblance to its appearance when it was constructed in the 1950s. The addition of the proposed 10-story parking garage, along with a proposed two-story underground garage, will, along with the existing garages, provide more than 3,500 parking spaces on the subject property, for the hospital's 2,400 employees.

Ms. Tegtmeier stated that, with the proposed large expansion to the hospital, traffic circulation through the adjacent neighborhood can be expected to increase. She believes that the petitioner has failed to appropriately address the "huge volume" of traffic from patients, employees, vendors, and visitors to the facility and their ability to exit by any other means than Nicholasville Road. During the evening rush hour, when there is only one inbound lane due to the alternating lane system on Nicholasville Road, that lane becomes congested to the point where traffic is unable to exit the subject property. Ms. Tegtmeier said that this problem has existed for decades; and, if no measures are taken to improve access to the property, it will only increase as the hospital's operations are expanded.

Ms. Tegtmeier submitted into the record of the meeting a petition signed by over 230 households in the Southern Heights neighborhood. She said that, of the households approached, only nine were unable to sign the petition, due to a conflict of interest with Central Baptist Hospital. The petition requests an internal gate or control system to prevent hospital employees from cutting through the neighborhood; a landscape buffer to shield the adjoining neighborhood from noise, air, and light pollution from the subject property; and replacement of the evergreen screening adjacent to Mr. Yanik's property. Ms. Tegtmeier stated that 96% of the Southern Heights residents surveyed believe that traffic is a significant problem to the health and character of the neighborhood; that the \$200 million hospital expansion project will increase traffic, creating an even more dangerous situation; and that employee traffic to and from the hospital is a significant part of the problem. She asked that the Commission disapprove this request, for those reasons.

Ms. Tegtmeier read into the record the following letter from Nancy Thompson, 124 Hiltonia Park, who has lived in the neighborhood since the 1940s, but was unable to attend this meeting:

"At one time, there was a gate that restricted traffic into Central Baptist from McDonald Avenue and Hiltonia Park. Additionally, the parking lots there were to only be used by doctors and EMS vehicles. At the time, only one or two cars a day used the McDonald Avenue entrance. Traffic was very minimal. We used to have a basketball hoop at the end of the street; we rode our bikes all the time; but now, traffic is out of control. Can you imagine playing kick-the-can out in the street now? Also, the lights at night are so bright I can almost read my book in my home with the lights on. And the sound generated by Central Baptist is, believe me, deafening."

Commission Question: Ms. Roche-Phillips asked if Hiltonia Park had ever had a cul-de-sac "bulb" at the intersection of Hiltonia Park and McDonald Avenue. Mr. Yanik answered that, at one time, Hiltonia Avenue had a bulb configuration similar to Cherokee Park. He said that there were two additional houses there, prior to when McDonald Avenue was added in the current "dead-end" configuration. Ms. Roche-Phillips asked when McDonald Avenue was constructed. Mr. Messenger answered that there was a cul-de-sac bulb depicted on the 1927 plat of the area, and McDonald Avenue was constructed in 1929.

Mr. Yanik began his presentation by distributing several exhibits to the Commission members. Referring to a PowerPoint presentation, he displayed two historic photographs of the Hiltonia Park area, noting the location of the cul-de-sac bulb that was previously located at the end of Hiltonia Park, as well as two homes that were removed when McDonald Avenue was constructed.

Commission Question: Ms. Copeland asked on which side of Hiltonia Park those two houses had been located. Mr. Yanik responded that they were on the Central Baptist Hospital side of the street.

Mr. Yanik stated that there have been 27 development plan amendments for the subject property, and the neighborhood residents have had difficulty keeping track of what was being proposed there. He said that development plans do not include references to nuisances like noise, light, and air pollution; visual clutter; and how those problems affect tree canopy growth.

Referring to a photograph of a large HVAC system on the subject property, Mr. Yanik said that it creates significant noise pollution, which is then "funneled" toward Hiltonia Park by the large structures surrounding it. He displayed photographs of several other HVAC units on the property, noting that the sound from those units can be heard as far away as the Arboretum and Shady Lane. Without a significant landscape buffer, the neighbors are concerned that that noise will only become louder. Mr. Yanik added that the hospital's generators, mechanicals rooms, and helipad all create additional noise on the property, which have a negative impact on the neighbors. The helipad contributes to air pollution as well. The residents are concerned that this proposed amendment to the development plan will result in an increase of the noise and air pollution.

With regard to the neighbors' concerns about light pollution. Mr. Yanik stated that the residents would like to know with which industry standard the lighting on the subject property is required to comply. They believe that several existing floodlights, which appear to be directed toward the adjoining neighborhood, should be relocated, as they do not feel that a landscape buffer would be sufficient to shield their homes from the light spillover. Mr. Yanik suggested that the petitioner complete a lighting study to determine the full effects of the light pollution from the subject property.

Mr. Yanik stated that the petitioner has constructed a new power pole to supply the increased infrastructure on the property, noting that that large pole is easily visible from the window of an adjacent home. In addition, the residents believe that overhead utility lines will eventually contribute to the reduction of the tree canopy, by restricting the growth of the trees. Displaying a photograph of the existing 3' landscape buffer along Hiltonia Park, Mr. Yanik said that the petitioner has planted one new tree and five shrubs, but that double-staggered plantings will not be possible without a 5' buffer. Referring to the small surface parking lot adjacent to Hiltonia Park, he read the following into the record from previous Planning Commission meeting minutes: "The new parking space will create a landscape court which should have a positive visual effect on the neighborhood." Mr. Yanik said that, as a landscape architect, he does not believe that the existing landscaping bordering Hiltonia Park has a positive visual effect on the neighborhood. He and his neighbors believe that the landscaping along the subject property's Nicholasville Road frontage looks very attractive and provides sufficient screening for the hospital's parking areas. Therefore, the Hiltonia Park residents are requesting that the petitioner install a 50' landscape buffer along that frontage, rather than the 3' required by the Zoning Ordinance.

Stuart Wester, 122 Hiltonia Park, stated that the Federal Highways Administration's definition of a local street notes that, on those streets, service to through traffic should be discouraged, although that has not appeared to be the case on Hiltonia Park and McDonald Avenue. With regard to Mr. Nicholson's statement that the petitioner had conducted an informal traffic count on the day prior to this meeting, he said that he did understand the reason for conducting that count, since the Division of Traffic Engineering had performed counts in 2011. That study indicated that 2,500 cars enter and exit the hospital property each day, but Mr. Wester believes that that number could actually be much higher. Although Hiltonia Park and McDonald Avenue are formally classified as local streets, they could actually be considered similar to rural roads, since their cross-sections are very narrow. Many residents' yards have been damaged by the number of large vehicles, such as ambulances and busses, attempting to traverse those narrow roadways many times each day. Mr. Wester said that, although the petitioner contends that the Nicholasville Road access point is the primary entrance for delivery vehicles, many tractor-trailers travel through the adjoining neighborhood, where some streets are only 16' wide. He displayed several photographs of the area that depict the damage to yards and curbs.

Commission Question: Ms. Roche-Phillips asked Mr. Wester to denote on the development plan the location of the curve depicted in one of this photographs. He did so, noting the location of the curve and the intersection of Hiltonia Park and McDonald Avenue.

Mr. Wester stated that the residents had a civil engineer inspect the roadways in the Hiltonia Park area. He read into the record the following letter, which was the result of that inspection:

"Currently, Baptist Hospital uses McDonald Avenue as an extension of the Emergency Room entrance to funnel a large segment of employee traffic into and away from the facility. This accommodation would never be allowed under today's planning practices. McDonald Avenue and the remaining streets of the Shady Lane neighborhood can be characterized as narrow, often semi obstructed with vehicles parked along the pavement edges, vertically and horizontally compromised from sight and stopping perspectives and totally local in use.

To allow the hospital's goods and services (supplies and personnel) to use these roadways to the extent that they are being used, is at best impractical and at worst extremely dangerous. It is surprising that the hospital would encourage this traffic pattern with a history of designs and additions that offer no compromise to collector street traffic volumes and uses traveling local residential streets each and every day. A simple improvement would be an internal gate that would contain the hospital traffic to its campus, while directing it to its arterial front door, Nicholasville Road. The Emergency Room entrance would serve only Emergency Room traffic: Emergency vehicles, doctors and family members of those needing treatment.

Clint Abbott, PE"

Mr. Wester displayed a slide containing the results of traffic counts from 2005, 2007, and 2011. He explained that the 2011 count included Hiltonia Park and McDonald Avenue; the 2007 and 2005 counts do not include Hiltonia Park. Over the past six years, traffic on McDonald Avenue has increased from cars each day, to from 1,100, to 1,800. Adding the current amount of traffic on Hiltonia results in a total of 3,259 cars daily. Mr. Wester also displayed a bar graph depicting the increase in traffic over the past few years. He said that the petitioner's proposed \$200 million expansion project, including a parking space increase of 20% of the current number of spaces, could increase the traffic on Hiltonia and McDonald to over 4,000 cars per day. That number is typically the threshold for a roadway built to current standards and classified as a local street. The streets in the Shady Lane neighborhood were built from the 1920s through the 1950s, and the residents do not believe they will be able to accommodate the increase in traffic that could result from the hospital's proposed expansion.

Mr. Wester displayed several photographs of average daily traffic on Hiltonia Park, noting that many of the vehicles exiting the subject property do not stop at the Hiltonia/McDonald Avenue intersection. Referring to photographs of the existing damage, he explained that hospital employees gather to smoke near the parking garage on Hiltonia; in several locations, the grass has been damaged in that area when drivers pulled up onto the curb to talk to someone who was in the smoking area. In addition, the residents were so concerned about those employees throwing cigarette butts into the street that they complained to the petitioner several months ago. Mr. Wester added that there is curb damage along the entire length of Hiltonia Park. He said that a bond issue of \$123 million, which was passed by the Urban County Council for the Central Baptist Hospital expansion, was said to be funded by the Cabinet for Economic Development, and that the City would bear no cost. The residents of the Shady Lane neighborhood, however, would like to know who will fund the repair of the streets, curbs, and sidewalks in their vicinity. With regard to Mr. Nicholson's statements that Central Baptist informs its employees via newsletter article each month to use the Nicholasville Road entrance to the property, and delivery drivers are encouraged to unload their vehicles across Nicholasville Road, Mr. Wester said that he does not believe the reminders are effective. In addition to continuing to use the Hiltonia Park access, several employees have made harassing comments to neighborhood residents. Mr. Wester displayed a photograph of a tractor trailer that broke down while attempting to make a delivery to the subject property; it had to be removed by a specialized tow truck, which obstructed the access to the emergency room for a time.

Mr. Wester displayed a video that he recorded from his front porch, beginning one afternoon at 4:40 p.m. He said that, during that time, 48 cars, many of which appeared to contain hospital employees, left the subject property via the Hiltonia Park/McDonald Avenue access; approximately 1/2 of the drivers obeyed the stop sign there. Of those 48 vehicles that passed through the intersection, only two were not either entering or leaving the hospital property.

Mr. Wester displayed the 4th amended development plan for the subject property, which depicted the emergency room access as the southernmost access to Nicholasville Road, near the medical office buildings. Referring to a traffic study done for the area in 1987, he read the following into the record:

"It is recommended that the number of access points be reduced to three: an entrance/exit on Hiltonia/McDonald; a redesigned entrance only from Nicholasville Road next to the medical office buildings; and a new access at Cherokee Park, with a traffic signal."

At the time of the 10th amended development plan, in 1992, the development plan did not include the entrance to Nicholasville Road, as recommended by the traffic study. Mr. Wester believes that, as a result, all of the traffic was "pushed" down to Hiltonia Park, which was unfair to the neighborhood residents, as the homes existed prior to the construction of the hospital. He also believes that another access, which was not depicted on the plan, was added at the time of the 14th amendment. He explained that, if that access was constructed without previously being included on an approved development plan, it was constructed illegally. Mr. Wester said that, in his review of the minutes for the subject property, he found that the petitioner only lost once, in 1981. He believes that the State Building Inspector has not been properly reviewing the amended plans for the property, so the illegal alterations have not been discovered.

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In conclusion, Mr. Wester stated that he and his neighbors do not wish to restrict patient access to the emergency room. They would like to restrict use of the Hiltonia Park/McDonald Avenue access to ER patients only, and require that all other traffic use the Nicholasville Road entrances to the hospital.

Commission Question: Ms. Copeland asked Mr. Wester about his professional background. Mr. Wester responded that he is an economist by education; a computer programmer by vocation; and a political data consultant working as a Special Assistant to the Governor in the State Finance Cabinet. Ms. Copeland asked when Mr. Wester purchased his house on Hiltonia Park. He responded that it was bought in 1996.

Clarissa Spawn, 1909 Bellefonte Drive, requested that the Planning Commission disapprove the proposed amendment to this development plan, for two reasons: first, that the residents believe that increased traffic flow through the Glendover neighborhood is caused in large part by Central Baptist cut-through traffic, using the ER access on McDonald Avenue; and, second, they believe that LFUCG is unable to address traffic enforcement and calming measures to assist the neighborhood residents.

Ms. Spawn stated that the Glendover residents are concerned that the proposed development plan amendment could encourage more cut-through traffic, particularly during the afternoon peak hours, when there is only one inbound lane on Nicholasville Road. She displayed a map of the neighborhood, noting the route from the hospital to Bates Creek Road. By her observation, most of that traffic then turns left onto Bates Creek Road, in order to access Alumni Drive. All of the streets between the hospital and Bates Creek Road are local streets, with speed limits of 25 miles per hour, and they are frequented by pedestrians, cyclists, and children walking to Glendover Elementary School. Ms. Spawn explained that Glendover neighborhood residents had done some informal traffic counts, and they noted that fewer than 25% of the road appeared to be traveling at or below the speed limit. While the residents were observing the traffic, over 500 cars appeared to be driving nearly twice the posted speed limit; nearly all of them were believed to be hospital employees, since they were dressed in scrub uniforms. The traffic speeds can make crossing the streets in the area difficult, particularly for the elderly or those with limited mobility.

With regard to the residents' concern that LFUCG cannot provide them protection from traffic hazards, Ms. Spawn stated that the number of traffic enforcement officers in Lexington-Fayette County has dropped. After researching traffic data and collision rates from 2007, she determined that, while the number of citations written decreased, the number of collisions increased significantly, possibly because of inadequate staffing of police officers to issue citations. In addition, very little funding is available for traffic calming projects, although it is becoming widely known in cities across the country that "locally undesirable land uses" can create hazardous traffic conditions which are detrimental to the encouragement of livable communities.

Ms. Spawn said that the residents in the vicinity of Central Baptist Hospital believe that, since the government cannot offer them any protection from a dangerous traffic situation, the Planning Commission has an obligation to require that any development plan presented for the subject property include the stipulation that no employee parking be accessible via the Hiltonia Park/McDonald Avenue entrance. She asked that the Planning Commission disapprove this request.

Charles Seymour, 104 Irvine Road, stated that, although he does not live in the immediate vicinity of the subject property, he sympathizes with the residents' concerns, since he lived in a similar situation in another city. He said that he believes that the situation at Central Baptist has deteriorated, and that the hospital should be required to work with the University of Kentucky in order to gain a rear access to the property, which could improve the traffic situation. Mr. Seymour added that he does not believe that any more amendments to this development plan should be approved unless such an agreement is reached.

Melinda Wester, 122 Hiltonia Park, displayed several historic photographs of some of the current and former residences on that street. She stated that Hiltonia had been a quaint, peaceful place to live, until Central Baptist Hospital began to purchase the homes on the north side of the street. Over the years, the hospital expanded, and consequently constructed a seven-story, 1,277-car parking garage directly adjacent to Hiltonia Park. The residents believe that the homes on the south side of the street were "dwarfed" by the garage, and the residential character of the street changed as a result. After two accesses to Hiltonia Park were approved, the street became heavily traveled and are now no longer safe for bicycles and pedestrians. Many of the original residents moved away, and now fewer than half of the 12 remaining houses on Hiltonia are owner-occupied. Only two of the families currently residing on the street have children, and one of those families has recently purchased a home on a quieter street.

With regard to the landscape buffer on the southern edge of the subject property, Ms. Wester said that the buffer is insufficient to screen car headlights; her home faces the ER parking lot, and the headlights shine through her bedroom windows in the evening.

Ms. Wester stated that one of the basic principles of the Baptist church is to love your neighbor, but the Hiltonia and McDonald residents do not believe that Central Baptist is endeavoring to show God's love in the community by being a good neighbor. She said that, over the years, the company has made many promises to residents that new amendments to the development plan will reduce traffic in the residential neighborhoods surrounding the subject property. Although the

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petitioner recently “bragged” about the landscape buffer along their southern property boundary, they neighbors believe that they are non-compliant with the minimum requirements of Article 18 along their border with the Yanik property.

Ms. Wester stated that the residents believe that all of their concerns will only be further exacerbated by the proposed expansion of the petitioner’s operation. They are requesting that the Planning Commission take immediate action to curtail traffic at the Hiltonia Park/McDonald Avenue emergency room entrance, and to require more than the minimum landscape screening along Hiltonia Park to provide adequate screening from traffic, lighting, noise, and mechanical operations.

Ms. Wester said that, as an example of the residents’ traffic concerns, she was passed by another vehicle while traveling west on Glendover Drive. She followed the vehicle to the Central Baptist property, where it entered the “physicians only” area of the parking garage.

Sandra Conners, 216 Shady Lane, stated that she is the only Shady Lane resident to speak at this meeting. She asked that the Planning Commission members consider what it would be like to have a neighbor who has a 25-acre lot and more than 3,000 visitors a day, less than 1,900’ from their homes. Ms. Conners added that Central Baptist has 4.3 times more employees than there are residents in the adjoining neighborhood.

Ms. Conners said that she is concerned about the impacts the negative proposed expansion of the hospital could have on the environment, as well as property values in the area. She asked that the Planning Commission require studies to gauge the effects of sound, noise, and light pollution on the residents near the hospital.

With regard to the residents’ concerns about traffic, Ms. Conners stated that the projected 60% population increase in Lexington by 2050 could mean additional cut-through traffic through her neighborhood. She noted that there have been three one-car accidents near her house since 2002, and that the incidence of animal roadkill has increased as well.

Ms. Conners said that the nearby Walnut Woods and the Arboretum are the only locations for urban wildlife refuge in Lexington, and they could be negatively impacted by increased traffic to the subject property as well. She stated that she moved to Shady Lane for the wildlife, serenity, and quality of life, and she requested that the Planning Commission help the residents to preserve their quality of life, and protect the environment and the wildlife.

Molly Davis, 201 Tahoma Road, stated that she has owned her property for approximately two years, having moved there from Elizabeth Street. She said that she fully supports her neighbors on Hiltonia Park, McDonald Avenue, and Shady Lane, because the proposed expansion to the hospital could negatively impact their properties, as well as her own. Ms. Davis stated that she understands that the Planning Commission’s mission is not to “save” her neighborhood, but to approve or disapprove the development plan, with considerations or requirements for the applicant where necessary. She asked that the Commission listen to Mr. Yanik’s proposal, and consider the residents’ suggested changes to the development plan.

Don Kelley, 106 Hiltonia Park, stated that he has lived on Hiltonia Park since his birth in 1946. He said that he can smell the cigarette smoke from the Central Baptist smoking area near his house. He does not believe that the existing landscape buffer on the south side of the subject property is adequate to protect the Hiltonia residents from the negative impacts of the hospital, including helicopter traffic.

In addressing Ms. Copeland’s question, Mr. Kelley stated that he lived on Hiltonia Park prior to the construction of Central Baptist Hospital. He added that he had worked on ambulance crews in the past, and he does not believe the proposed increase in the size of the emergency room canopy is necessary to protect ambulance patients from the elements.

Mr. Wester read into the record the following excerpt from Article 21-4(d) of the Zoning Ordinance:

“The Commission may modify or disapprove the development plan if it finds the plan does not comply with the requirements of the Zoning Ordinance, and, when applicable, the Land Subdivision Regulations or if it finds there are existing or potential flood, drainage, traffic, topographic, health, safety, nuisance or other similar problems relating to the development of the subject property.”

Mr. Wester stated that he believes that that statement applies in this instance.

Mr. Yanik distributed to the Commission members copies of his proposed alternative development plan, which would satisfy the concerns of the nearby residents. He read the following into the record:

“The residents of Southern Heights request the following be added to Baptist Healthcare Systems, Inc. 27th Amended Final Development Plan:

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1. A 50' landscape buffer shall be installed along the southern boundary of the property. At a minimum the landscape buffer will contain a 6-foot tall berm with three rows of 8' tall pine trees staggered 18' on center. In addition the parties will work to develop a landscape plan over and above the minimum plantings described herein that will provide an equivalent level of screening, but be done with a more attractive variety of plantings and landscape materials and will resolve other issues such as the width of the berm. Additionally, all overhead electric, phone, cable lines etc. shall be buried within the landscape buffer area. Landscaping items previously described shall be constructed within a period of no longer than 1 year from the ER addition reaching substantial completion point.
2. There shall be a minimum 100' setback along the southern boundary. Future buildings along the southern edge shall not exceed 40' in height. This item shall go into effect immediately.
3. Traffic entering and exiting through the McDonald Avenue entrance shall be restricted to be used by EMS vehicles, emergency room patients and emergency room doctors through controlled gated access points to be operated and maintained by the hospital. All other non-emergency traffic shall use the main entrances on Nicholasville Road. An access point onto University Court would be permitted should the hospital obtain right-of-way access and approval from the University. Traffic restrictions shall begin immediately following substantial completion of the ER addition."

Mr. Yanik displayed a copy of the residents' proposed development plan, along with a photograph of the new emergency room at the University of Kentucky hospital. He said that there are only 20 parking spaces for the University's high-volume ER and trauma center. The residents are proposing to relocate the existing ER parking area; redesign that parking lot; and install a gate to restrict access to McDonald Avenue from drivers exiting the parking garage. Emergency vehicles would have free access to the McDonald Avenue entrance, where they would be able to park under the enlarged canopy; upon exiting the property, they, too, would be required to use the Nicholasville Road access. Mr. Yanik stated that the residents are proposing an additional gate, to restrict access to the back parking structures on the subject property. The proposed plan includes a 50' landscape buffer on the southern property boundary, with the removal of some surface parking to accommodate the plantings.

Petitioner Rebuttal: Mr. Nicholson stated that this request has "turned into a referendum on Central Baptist." He said that, although many issues have been addressed, the primary reason for the proposed amendment to the plan has not. The many concerns that have been expressed are the reason why Commission Paulsen has agreed to work with Central Baptist, UK, and the surrounding neighborhoods to attempt to find a solution for the traffic problems. Mr. Nicholson emphasized that traffic calming, speeding, and disregarding stop signs are all enforcement issues that are outside of Central Baptist's control. He explained that the petitioner has been asking UK for access to University Court since approximately 1984, and the University has always refused. Should that access be completed, it would result in the shifting of traffic from a public collector street to a private, local residential street that contains primarily dormitories for families. That access would also lead to the existing four-way stop on Alumni Drive, which has already been identified as a problem. In addition, no plan has ever been presented wherein the connection of the Central Baptist property to University Court was a possibility.

Mr. Nicholson stated that the purpose of the amendment that is before the Planning Commission today is to add a small amount of square footage to the emergency room. He said that traffic in the area is a known problem, and the proposed plan amendment will neither rectify it, nor exacerbate it. With regard to Mr. Wester's final statement, Mr. Nicholson explained that he did not reference Article 21-4(d) of the Zoning Ordinance in his presentation because it is not applicable to this situation, since this is an amendment to an existing plan, rather than a change to the use or the zone. The petitioner is seeking to rectify a safety concern, and provide better service to its patients.

With regard to the comments about the hospital's ongoing \$200 million dollar expansion, Mr. Nicholson stated that, although the size of the building was increased, there was no increase in the number of beds. Rather, the petitioner turned semi-private rooms to private rooms, since patients prefer to not have to share rooms. He said that Central Baptist Hospital cares about its patients, as well as the community, and it is not the sole reason for the traffic issues in the vicinity of the subject property. The petitioner sympathizes with the neighbors' concerns about traffic in the area, but they cannot restrict public access to the emergency department with a gate system, since, in some cases, the extra seconds it would take to reach the ER could cost a life. Mr. Nicholson stated that, if the Commission chooses to disapprove this request, all of the residents' concerns will still exist. He reiterated that those problems cannot be resolved with this proposed development plan amendment, which meets all of the requirements of the Zoning Ordinance and the Subdivision Regulations. The staff reaffirmed that, with their recommendation of approval. The petitioner does not believe that the proposed small alteration to the emergency room and the interior of the subject property will have a negative impact on the public health, safety, or welfare, and they request approval.

Commission Questions: Ms. Roche-Phillips stated, with regard to Mr. Nicholson's statement that University Court is a private street, that the University of Kentucky is a public institution, so all of the streets on its property are public. Mr. Nicholson said that that was correct, but he believed that there was a stipulation for that street only, that it was a private street. Ms. Roche-Phillips said that it appears that the primary issue in this case is traffic on Nicholasville Road. She said that it appears, however, as if ambulance drivers do not want to bring patients through the main entrance to the hospital on Nicholasville Road due to the speed bumps in the parking area. She asked if the petitioner has considered removing the speed bumps. Mr. Nicholson answered that he does not know if that option has been considered, but he does not believe that removing traffic calming devices will help to enhance citizen safety. Ms. Roche-Phillips said that it appears that the hospital is pushing its externalities onto Nicholasville Road, due to the lack of adequate internal circulation and the speed bumps, which act as a deterrent. Mr. Nicholson responded that that might be true, but the ER entrance is very near the entrance on Hiltonia Park, so it is the most accessible for ambulances. Ms. Roche-Phillips stated that the hospital could institute rules for ambulance drivers, similar to the "notices to airmen" used at airports, to inform them of the appropriate access. The hospital could also enact similar rules for delivery drivers and employees, and that would resolve many of the issues presented by the neighbors.

Commission Discussion: Mr. Wilson stated that he is conflicted about this decision. He said that is empathetic to the residents' concerns about traffic, but he is not sure how it should be addressed. One of the elements of the great quality of life in Lexington is access to good healthcare, so the community must be able to strike a balance between providing that healthcare and keeping its residents safe. Mr. Wilson stated that he applauds the neighbors for presenting their case well; but, even if the Planning Commission takes no action on this plan, it will not improve the traffic situation in the vicinity of the subject property. He said he has difficulty linking the proposed increased in square footage in the emergency room to the traffic problems, and he is unsure of how the Planning Commission could help to resolve those issues. Mr. Wilson added that the lighting and screening concerns should still be negotiable.

Staff Rebuttal: Mr. Martin displayed the results of traffic counts done by the Division of Traffic Engineering, taken over a 24-hour period, which indicate slightly lower totals than the traffic counts provided by the neighbors.

Commission Questions: Mr. Penn asked if there were an unusually large number of items that "dropped off" this plan. Mr. Martin answered that there have been a number of amendments to this plan, and each amendment usually included several changes. He said that some landscaping information had dropped off with this amendment, following an earlier amendment which was completed by a different engineering firm. The staff did some research, discovered that that information had been lost, and recommended that it be added back on the plan with this amendment.

Ms. Copeland asked if Hiltonia Park could be converted to one-way traffic at certain times of day. Mr. Neal answered that he is unsure how that would work, and that some median modifications would likely be required. He added that Hiltonia Park could possibly be widened, in order to allow traffic to move more freely. Mr. Neal said that some of the photographs and video shown at this meeting were very convincing about the magnitude of the traffic problem in the area. Ms. Copeland stated that, since the largest volume of traffic into and out of the property usually occurs at shift changes, traffic on Hiltonia could become one-way at those times. Mr. Neal responded that there might be some overlap, which could cause additional traffic difficulties. Ms. Copeland said that McDonald Avenue could be blocked off at Shady Lane, which could avert any additional problems.

Ms. Roche-Phillips asked if the Division of Traffic Engineering controls the reversible lane system on Nicholasville Road. Mr. Neal responded that they do. She asked if it would be possible, since evidence was presented that some drivers use the Hiltonia Park access to exit the property in the afternoon to avoid the traffic in the single inbound lane on Nicholasville Road, to revise the alternate lane arrangement to help address the problems around Central Baptist Hospital. She also asked where the alternate lanes begin and end. Mr. Neal answered that the alternate lane system begins at the Nicholasville Road intersection with Moore Drive, and ends at Conn Terrace in front of UK Hospital. He noted that Nicholasville Road is a state road, and surmised that, if Nicholasville Road could be widened as far as Cooper Drive, it would be possible to provide two inbound lanes 24 hours a day. Ms. Roche-Phillips asked if it would be possible, without widening Nicholasville Road, to add an inbound lane during the afternoon peak hours. Mr. Neal responded that it would not be possible without significant construction or the elimination of left turns, since the center lane is reserved for left-hand turns.

Ms. Roche-Phillips asked if cars stack up at the exit from the Central Baptist property onto Nicholasville Road during afternoon rush hour, and if the timing of the traffic light could be changed to prevent that stacking. Mr. Neal answered that that was possible, but there will be constraints on the subject property during the construction process. He opined that internal circulation will be improved following the construction, so that stacking could be alleviated somewhat. Ms. Roche-Phillips said that she would like to find some means to remedy the situation from a Traffic Engineering perspective, and eliminate the traffic cutting through the Glendover neighborhood. Mr. Neal said that there are limitations on what can be done in this area, since Nicholasville Road is at capacity with approximately 45,000 vehicle trips per day in the vicinity of the subject property. He added that many traffic issues might diminish as gas prices rise further.

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Ms. Beatty asked if the traffic problems in the area were discussed at the time of any of the previous development plan amendments, before traffic in the area was "out of hand." Mr. Neal answered that it was discussed numerous times through various zone changes as the petitioner acquired additional property in order to expand their campus. He added that there was no opposition present at the meeting where the most recent plan amendment was presented, in 2010. Also, Mr. Neal believes that, given the construction traffic on the subject property, overall traffic in the area might have temporarily worsened.

Ms. Copeland asked if Mr. Neal believed that the traffic concerns could be mitigated by altering the shift change times at Central Baptist. Mr. Neal answered that it might be easier for drivers exiting the subject property to access Nicholasville Road at off-peak times. Ms. Copeland said that it might be appropriate to ask the hospital to change during the construction phase, in order to ease the pressure on the surrounding neighborhood.

Mr. Saltee stated, with regard to Ms. Beatty's earlier question, that the staff found minutes from 1993 where there was a major discussion about the Hiltonia frontage of the hospital's property. He added that, as Mr. Wester mentioned, there was some discussion at that time about a possible entrance from Hiltonia directly into the garage, which would be gated to restrict access to physicians only. That was the last major discussion about proposed changes to the south side of the Central Baptist campus.

Mr. Owens stated that he would allow the citizen opposition an opportunity for rebuttal, but it must be limited to one speaker only.

Citizen Rebuttal: Mr. Wester stated, with regard to Mr. Nicholson's assertion that Article 21-4(e) was not applicable in this situation, that it is just as applicable as any other part of the Zoning Ordinance, and the Commission does have the ability to require amendment of this plan. He said that the petitioner's proposal would not restrict access to the emergency room; rather, the area near the emergency room would be safer, since traffic will not be driving past the entrance. Mr. Wester stated that the possible access to University Court will not be a viable alternative, since it has been discussed since 1981 with no results. He asked, with regard to Mr. Nicholson's comment that the hospital does not intend to add beds, why the petitioner is proposing to add 651 parking spaces.

Mr. Owens stated that the discussion was now closed.

Commission Discussion: Mr. Cravens said that he believes that the neighbors' proposed development plan might be workable, and asked if the petitioner would be willing to consider making those changes to the plan. Mr. Nicholson answered that he did not receive a copy of that plan, and added that the petitioner had, after a great deal of study, submitted the plan that is before the Commission today. He noted, with regard to Mr. Wester's rebuttal comments, that internal gates are not typically recommended in hospital parking lots, because of the number of panicked drivers who might be unable to find the access to the emergency room. It is not possible for the petitioner to provide a 50' landscape buffer along Hiltonia Park, as there are existing structures there that cannot be relocated. Mr. Cravens stated that it seemed like the petitioner's proposal would solve a lot of the residents' concerns. He suggested that appropriate management of the parking area by the petitioner could eliminate left turns from the parking garage, which could also help the traffic situation. Mr. Cravens said that he constructed some homes on Shady Lane approximately 20 years ago, and traffic was a concern even then, but it appears that the petitioner is not willing to modify their plan at all. Mr. Nicholson said that the petitioner might be willing to consider some modifications to the submitted plan, but he could not comment on the specifics of the neighbors' proposal, as the petitioner had just seen it for the first time at this meeting. He reiterated that the plan before the Commission today more than meets the standards, and asked that the Planning Commission grant approval.

Mr. Penn stated that he believes that the problem with this plan began with Central Baptist's decision not to relocate to their property near the Hamburg shopping center, and to expand its operations at its current location. He said that he would recommend postponement of this plan if he thought there was a possibility of creating an exit onto Alumni Drive, although he understands that that decision is out of the petitioner's control. Mr. Penn encouraged the petitioner to continue pursuing that option, if possible. He said he is not sure of the benefit of a possible postponement, because he does not know if the petitioner will be able to reach a solution; or, the Commission could disapprove this request, but it likely would not make a difference in the traffic situation. Mr. Penn asked the other Commission members if they believed they should hold up a relatively minor addition to a development plan, in hopes of solving the larger development plan issues. He noted that he believed that it would be in the petitioner's best interest to redesign their development plan in order to fundamentally change the traffic patterns, both internal and external.

Mr. Owens stated, with regard to Mr. Penn's comments about postponement, that the deadline by which this plan must be heard is April 2nd; therefore, the petitioner must be agreeable to the postponement.

Ms. Roche-Phillips asked if Mr. Neal had any recollection of any previous traffic calming measures in the Glendover or Shady Lane neighborhoods, or if costs for such projects are too prohibitive. Mr. Neal answered that he was unable to compare notes with the Traffic Calming section, but the Division of Traffic Engineering has reviewed the traffic issues in those neighborhoods. He said that LFUCG does not currently have the funding to contribute to the cost-matching pro-

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gram for neighborhoods, although they have considered the intersections in the area and performed some additional traffic counts. Mr. Neal stated that he would be willing to speak with the neighbors after this meeting about some of those measures. Ms. Roche-Phillips stated that she believes that a possible roundabout or some form of traffic calming other than the traditional "T" intersection could help to curb traffic in the area. Mr. Neal said that most of the neighbors' concerns are quality-of-life issues, as collision data shows that accident rates are relatively low there compared to surrounding areas.

Mr. Wilson asked if the petitioner and the neighborhood would be willing to postpone in order to attempt to work through some of the issues. Skip Alexander, Central Baptist Hospital, said that the petitioner has postponed this request two times. He said that, when this process began in January, the petitioner was told by the neighborhood association that they had no problems with the proposed plan amendment. He said that he had been working to build the hospital's relationship with the neighborhood for 25 years; but he believes that, if the hospital does not agree to a postponement, it would ruin that relationship. Mr. Alexander stated that, although he might lose his job because of it, the petitioner would be willing to agree to postponement.

Mr. Yanik stated that the neighborhood is in favor of postponement.

Mr. Wilson stated that he appreciates both parties' willingness to agree to postponement, and asked if that should be made to a date certain.

Mr. Owens asked if the staff had any recommendations for a postponement date. Mr. Saltee stated that the April meetings will be on the 12th and 26th, and that the staff would recommend a continuance rather than a postponement.

Mr. Owens asked if the petitioner had a preference for a date on which to consider this item. Mr. Nicholson answered that April 26th would be preferable.

Mr. Penn reminded the neighborhood that, if the Planning Commission votes for a continuance of this item, no further testimony will be heard at that time, since the hearing has been closed. He asked that both parties make a good faith effort to resolve the issues, and allow the hospital to move forward with their project. He noted that the neighbors should not expect to change the petitioner's development plan in total; but that, hopefully, a decision can be reached that will be satisfactory to both parties.

Action: A motion was made by Mr. Penn, seconded by Mr. Wilson, and carried 7-0 (Berkley, Blanton, and Brewer absent) to continue DP 2012-4 to the April 26, 2012, Planning Commission meeting.

V. ZONING ITEMS - The Zoning Committee met on Thursday, March 1, 2012, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Patrick Brewer, Mike Cravens, Lynn Roche-Phillips, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

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Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

Note: Ms. Roche-Phillips arrived at this time.

1. GREY GOOSE, LLC, ZONING MAP AMENDMENT & MARY SWIFT, ET AL., PROPERTY (LOTS 1 & 2)

- a. MAR 2012-5: GREY GOOSE, LLC (4/28/12)* - petition for a zone map amendment from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone, for 0.21 net (0.35 gross) acre, for properties located at 175 and 185 Jefferson Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 1) recommends Downtown Master Plan future land use for the subject property. The petitioner proposes to rezone the property to the B-1 zone in order to renovate the existing residential structure for a restaurant (185 Jefferson Street), and maintain the surface parking lot (175 Jefferson Street).

The Zoning Committee Recommended: **Approval**, for the reason provided by staff.

The Staff Recommends: **Approval**, for the following reason:

1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2007 Comprehensive Plan, for the following reasons:
 - a. The Plan recommends Downtown Master Plan (DTMP) future land use. The 2007 Plan states that redevelopment recommendations for this land use are found in the *Downtown Lexington Masterplan*; however, if the *Masterplan* is not implemented, the Planning Commission should consider the recommendations of the 2001 Comprehensive Plan Update and other relevant current information to guide redevelopment decisions.
 - b. The 2001 Comprehensive Plan recommended Retail Trade and Personal Services (RT) land use for the subject properties. The B-1 zone and the proposed land use are in keeping with the retail trade and personal services land use category.
 - c. The *Masterplan* generally identifies the Jefferson Street corridor as a neighborhood business area along the primary pedestrian corridor, where "retailers should be supported, encouraged and given access to small-business loans," even though the *Masterplan* denotes the subject properties as residential areas due to their current zoning designation as R-4.
 - d. The *Masterplan* identifies 15 principles, which were incorporated into the 2007 Comprehensive Plan. Principle #8 recommends investment in a pedestrian network, and in part, encourages mixed-use corridors, which is applicable to the B-1 zoning proposed for the subject properties.
 - e. The proposed B-1 zone does permit residential dwelling units above or to the rear of a principal permitted use, and the applicant is interested in utilizing the second story of the structure for a small dwelling unit.
 2. This recommendation is made subject to approval and certification of ZDP 2012-14: Mary Swift, et al. Property (Lots 1 & 2), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. ZDP 2012-14: MARY SWIFT, ET AL. PROPERTY (LOTS 1 & 2) (4/28/12)* - located at 175 & 185 Jefferson Street.
(Ben Gallagher)

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the required parking and landscaping proposed for the subject property.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree protection plan and/or tree preservation plan.
6. Correct plan title.
7. Correct and complete site statistics.
8. Complete tree preservation plan.
9. Denote storm drainage detention.
10. Addition of Tower Plaza sidewalks.
11. Provide typical parking space dimensions.
12. Dimension access apron.
13. Denote building dimensions.
14. Denote that plan shall meet Article 18 requirements.
15. Discuss solid waste disposal.
16. Discuss parking (minimum required, handicap accessibility and parking agreements).

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17. Discuss VUA landscaping.
18. Discuss status of plan.

Zoning Presentation: Ms. Wade presented the staff's zoning report, noting that the staff had received two letters in support for the proposed rezoning. She distributed those letters to the Planning Commission members, and briefly oriented the Commission to the location of the subject property on the north side of Jefferson Street between Short and Second Streets. The subject property also has frontage on Tower Plaza to the west. Zoning in the vicinity of the subject property consists of mostly B-1 zoning along Jefferson Street, and R-4 and R-5 residential zoning for the nearby neighborhood. Ms. Wade noted that the subject property, although not in a local historic district, is included in the Northside neighborhood National Register Historic District. The Northside Historic District is generally to the south and east of the subject property, and the Western Suburb Historic District is to the west. The subject property has no local historic zoning overlay, but it should be considered as contributing to the National Register district.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to re-use the existing building, which is residential in character but has most recently been used as an office, for a small restaurant. The petitioner is also proposing to retain the existing surface parking lot on the property at 175 Jefferson Street.

Ms. Wade said that the 2007 Comprehensive Plan recommends the Downtown Master Plan (DTMP) land use category for the subject property. The 2007 Comprehensive Plan recommends following the DTMP and, if it is not fully implemented, to consider other relevant information, including the 2001 Comprehensive Plan. For the subject property, the 2001 Comprehensive Plan recommended Retail, Trade & Personal Services land use. In addition, the DTMP recognizes Jefferson Street as a primary pedestrian corridor. Principle #8 of the DTMP focuses on maintaining the primary pedestrian corridors, and encouraging business and mixed uses along those corridors. Ms. Wade said that the petitioner contends that the proposed B-1 zone is in agreement with the recommendations of the 2007 Comprehensive Plan, and the staff agrees, for the reasons as listed in the staff report and on the agenda. The Zoning Committee recommended approval of this request, for those same reasons.

Development Plan Presentation: Mr. Emmons presented the corollary final development plan, noting that the Commission members had received revised conditions for approval of the plan. He said that, since the Subdivision Committee meeting, the petitioner has worked to resolve all of the conditions set forth at that meeting. The Subdivision Committee recommended postponement of this plan, with 18 conditions as listed on the agenda. Following the submission of this revised plan, the staff is now recommending approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers ~~and floodplain information.~~
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree protection plan and/or tree preservation plan.
- ~~6. Correct plan title.~~
- ~~6.7 Correct and Complete site statistics.~~
- ~~8. Complete tree preservation plan.~~
- ~~9. Denote storm drainage detention.~~
- ~~10. Addition of Tower Plaza sidewalks.~~
- ~~11. Provide typical parking space dimensions.~~
- ~~12. Dimension access apron.~~
- ~~13. Denote building dimensions.~~
- ~~14. Denote that plan shall meet Article 18 requirements.~~
- ~~15. Discuss solid waste disposal.~~
- ~~7. 16. Discuss parking (minimum required, handicap accessibility and parking agreements) Denote: Verification of executed parking agreement will be required prior to issuance of any Zoning Compliance Permit.~~
- ~~17. Discuss VUA landscaping.~~
- ~~18. Discuss status of plan.~~

Mr. Emmons stated that the petitioner is proposing to maintain the existing 1.5-story house, with a restaurant on the first floor, and an apartment on the second floor. He noted that most of the original conditions for approval of the plan referred to the petitioner's ability to provide the required parking for the subject property. With regard to the proposed parking layout, Mr. Emmons said that the first two parking spaces, which are not counted in the required parking for the site, are proposed to be removed, in order to install a dumpster pad, which will then be available should the site require dumpster service. Until such time as it is determined that dumpster service is required, those two spaces will still be usable for parking. The petitioner is also proposing to remove some asphalt from the parking lot along the Jefferson Street frontage in order to meet the required three-foot landscape buffer, so that the site will be compliant with Article 18 of the Zoning Ordinance. Mr. Emmons stated that the other physical change to the property will be the

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installation of a new sidewalk which, for most of its length, will be on private property. The petitioner hopes to save two existing trees by providing the sidewalk in an easement on a portion of the subject property.

Mr. Emmons said that the proposed removal of two parking spaces for a dumpster pad, and the provision of a handicapped space, results in a total of 11 parking spaces for the site. He explained that that parking lot currently provides the required parking for the Grey Goose restaurant, which is located across the street. The Grey Goose requires 12 spaces, and the proposed restaurant on the subject property will require 13, for a total of 25 needed spaces. Mr. Emmons stated that the Planned Parenthood property, which is located directly to the north of the subject property, has 27 parking spaces, 22 of which are available for a joint parking agreement. The petitioner has submitted documentation of the proposed parking agreements with Planned Parenthood, through which they can meet the parking requirements for the existing Grey Goose restaurant, as well as the proposed new Blue Heron restaurant. Mr. Emmons said that condition #7 requires that verification of the parking agreements be provided prior to the issuance of a zoning compliance permit for the Blue Heron restaurant. He added that the staff believes that the petitioner will be able to have this plan certified within the required two-week window, as most of the conditions have been met.

Commission Question: Mr. Berkley asked, with regard to the proposed parking agreements, if they are enacted for a specific term. Mr. Emmons answered that the Zoning Ordinance does not require a minimum number of years for a shared parking agreement, but a renewable two-year agreement is standard. He noted that the petitioner's proposed parking agreements would meet that standard. Mr. Berkley asked what would happen if the shared parking was ever lost. Mr. Emmons responded that, if the petitioner could no longer use shared parking, they would be required to find the required number of spaces, in order to remain compliant with the Zoning Ordinance.

Petitioner Presentation: Keith Clark, petitioner, was present. He stated that he lives in the vicinity of the subject property, and that he considered the impact of the proposed restaurant on his neighborhood before his own interests. The Grey Goose is a busy restaurant, and Mr. Clark is cognizant of the fact that it has had an impact on the neighborhood; he strives to manage the location so that it has as little negative impact on his neighbors as possible. Mr. Clark stated that the proposed restaurant would be a small venue, with a limited menu and schedule.

With regard to Mr. Berkley's questions about the shared parking agreement, Mr. Clark stated that he has been approached by the management of the Jefferson Center, who made an offer of the use of their parking area as well. He added that he believes that the Jefferson Street corridor is no longer suitable for residential use, and that the proposed restaurant would be the most appropriate use of the subject property.

Zoning Action: A motion was made by Mr. Penn, seconded by Mr. Cravens, and carried 8-0 (Blanton and Brewer absent) to approve MAR 2012-5, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Penn, seconded by Mr. Cravens, and carried 8-0 (Blanton and Brewer absent) to approve ZDP 2012-14, subject to the seven conditions as listed in the revised staff recommendation.

2. ANGLIANA P2 DEVELOPMENT, LLC, ZONING MAP AMENDMENT & ANGLIANA AVENUE STUDENT HOUSING (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2012-6: ANGLIANA P2 DEVELOPMENT, LLC (4/28/12)* - petition for a zone map amendment from a Heavy Industrial (I-2) zone to a High Density Apartment (R-4) zone, for 0.23 net and gross acre, for property located at 527 Angliana Avenue (a portion of).

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Downtown Master Plan (DTMP) future land use for the subject property. The petitioner proposes an R-4 zone in order to develop a storage building and a drive aisle for a new multi-family residential complex to the south of the subject site.

The Zoning Committee Recommended: **Approval**, for the reason provided by staff.

The Staff Recommends: **Approval** for the following reason:

1. The existing Heavy Industrial (I-2) zone is inappropriate, and the requested High Density Apartment (R-4) zone is appropriate for the subject property, for the following reasons:
 - a. The subject property is a vacant, 1/4-acre parcel that is not currently used by the adjoining warehouse property. It will be used by the apartment development approved to the south of this location, for a drive aisle and maintenance building, and as such, it is more appropriately zoned in the same category as that developing residential property.
 - b. The proposed R-4 zone will ensure a less intensive future use of the subject property, but will still allow for a mixture of land uses in the Angliana Avenue corridor.
 - c. The subject site, located at the end of Hamm Alley, is not appropriately zoned for an independent heavy industrial use. Thus, its consolidation into the adjoining residential development is its most appropriate future use.

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2. This recommendation is made subject to approval and certification of ZDP 2012-15: Angliana Avenue Student Housing (Amd.) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. ZDP 2012-15: ANGLIANA AVENUE STUDENT HOUSING (AMD.) (4/28/12)* - located at 525 Angliana Avenue.
(Brandstetter Carroll)

Note: The purpose of this amendment is to shift the location of a maintenance building.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Delete consolidation information shown.
6. Denote: No building permits will be issued for construction, remodeling or occupancy of the storage building until the rezoning of this property to an R-4 zone is finalized.
7. Clarify "emergency vehicle access" into the development, to the approval of the Division of Fire & Emergency Services.

Zoning Presentation: Mr. Sallee presented the staff's zoning report for this rezoning request, briefly orienting the Commission to the location of the subject property on the east side of Angliana Avenue and the west side of the Norfolk-Southern rail yard, midway between South Broadway and Versailles Road. He noted that the subject property is a very small parcel, approximately 37 feet in width at its widest point. The subject property is located at the end of Hamm Alley, which is a narrow, paved roadway separating an existing warehouse from a former warehouse.

Mr. Sallee displayed an aerial photograph of the subject property, noting the location of three warehouses on Hamm Alley, the northern two of which are served by Hamm Alley. He explained that one of the warehouses depicted in the photo has since been removed, and that property has been rezoned to R-4; a residential development is currently under construction there. The petitioner is proposing to rezone the subject property to R-4 in order to match the residential zoning of the property to the south, and to simplify the internal access for the ongoing development of that parcel. The subject property has already been approved for a storage building and drive aisle to serve the adjoining residential development.

Mr. Sallee stated that the 2007 Comprehensive Plan identifies the subject property at the edge of the Downtown Master Plan area. The DTMP states that it is logical that the subject property and surrounding area retain some of the existing industrial land uses, and that some of the existing buildings should be creatively or adaptively re-used. Mr. Sallee said that the staff cannot find, therefore, that this proposed rezoning to R-4 is in agreement with the Comprehensive Plan. However, the staff does believe that the existing I-2 zone is no longer appropriate for the subject property. This property is no longer needed to serve the warehouse use in the area, and would not be appropriate for an independent industrial use. Mr. Sallee said that the staff believes that rezoning the subject property to R-4 will not create a nuisance to the new residents immediately to the south of the subject property. Therefore, the staff and Zoning Committee are recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Commission Question: Ms. Copeland asked what the size of the "parent tract" is. Mr. Sallee reviewed the development plan rendering, but could not find that information. Nick Nicholson, attorney for the petitioner, answered that the larger parcel is 5.7 acres in size.

Development Plan Presentation: Mr. Martin presented the corollary amended final development plan, noting that the subject property is in a small area at the rear of the property. The parcel is included on the larger development plan for the new apartment complex, which was recently approved by the Commission. With this amended plan, the petitioner is proposing to slightly shift the original location of the maintenance building.

Mr. Martin stated that the subject property is associated with a "land swap" by the petitioner, which includes the closure of Hamm Alley. That street closure is on the docket for second reading by the Urban County Council at their meeting later on the evening of this public hearing. The staff understands that, as part of that swap, the adjoining property owner will receive all of Hamm Alley, which was originally created to provide access to a fire hydrant, while the petitioner receives the area proposed for the drive aisle and maintenance building. Hamm Alley will be maintained as an access easement to serve the subject property, as well as a gated emergency access point.

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Mr. Martin said that the Subdivision Committee recommended approval of this plan, subject to the seven conditions as listed on the agenda. He noted that condition #7 will require the approval of the aforementioned access gate to the approval of the Division of Fire and Emergency Services.

Petitioner Representation: Nick Nicholson, attorney, was present representing the petitioner. He stated that the petitioner owns a six-inch strip on the side of Hamm Alley. With the closure of Hamm Alley by the Council, that strip will revert back to the owner of the property at 525 Angliana Avenue, along with the turn aisle, and will be exchanged for the 0.23 acres at the rear of the property. Mr. Nicholson explained that the turn aisle was constructed because many of the large tractor-trailers that use the area as an access to the adjoining warehouses were unable to make the tight turn, which was causing curb erosion and damage to the right-of-way. The property swap will provide more space for the turning radius for those trucks, while the subject property will retain the gated emergency access to the rear portion of the property.

Commission Questions: Mr. Penn asked how emergency vehicles will access the gated entrance. Mr. Nicholson answered that the gate will be locked, and the Division of Fire and Emergency Services personnel will have a key. Charles Schneider, Brandstetter Carroll, said that Captain Bowen requested a locked gate, rather than a crash gate, for that emergency access location.

Citizen Comments: Charles Seymour, 104 Irvine Road, asked if the petitioner had considered whether there are any environmental issues on the subject property, since it was formerly used as a warehouse. Mr. Owens replied that that was one of the sign-offs on the previous development plan for the property. Mr. Nicholson added that the petitioner was required to determine, as part of the purchase of the property, if there were any environmental concerns, on-site. He said that none were found.

Zoning Action: A motion was made by Mr. Cravens, seconded by Mr. Penn, and carried 8-0 (Blanton and Brewer absent) to approve MAR 2012-6, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Beatty, and carried 8-0 (Blanton and Brewer absent) to approve ZDP 2012-15, subject to the seven conditions as listed on the agenda.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. **ZOTA 2012-3: AMENDMENT TO ARTICLE 9 TO ALLOW GROUP RESIDENTIAL PROJECTS IN THE R-5 ZONE** – petition for a Zoning Ordinance Text Amendment to allow more than one principal building on a lot in the High Rise Apartment (R-5) zone, and to regulate them as Group Residential Projects.

REQUESTED BY: Hallmark Student Development Co., LLC

PROPOSED TEXT: *The proposed text is available upon request*

The Zoning Committee Recommended: Referral to the full Commission.

The Staff Recommends: Approval of the staff alternative text(s), for the following reasons:

1. The proposed text amendment to Article 9 of the Zoning Ordinance, which regulates Group Residential Projects, will allow for more appropriately scaled and designed Group Residential Projects by reducing the required Project perimeter yards and eliminating the existing "frontage yard" requirements, reducing open space requirements, and establishing new building height limits.
2. Allowing Group Residential Projects in the High Rise Apartment (R-5) zone will allow for townhouse and apartment complexes to be located within the highest intensity residential zone that the community has created. This will allow for more dense development of our urban land, because the R-5 zone permits a lot coverage of 35% and a floor area ratio of 1.3, well above what the R-1T, R-3 and R-4 zones allow.
3. The proposed amendments will create more flexibility for Group Residential Projects located inside the Infill and Redevelopment Area by allowing a choice of design standards, additional (bonus) floor area, open space reductions for proximity to existing parks, and the ability to average front building setbacks along public and private streets.
4. The proposed amendments to Article 9 will simplify Group Residential Project regulations for those designing townhouse and apartment developments, as well as for the Planning Commission and the LFUCG staff who administer the Zoning Ordinance.

Staff Presentation: Ms. Wade presented the staff report, noting that the staff had distributed copies of a graphic depicting examples of how a group residential project might be configured in a townhouse or apartment complex, which was presented at the Commission's last work session. She noted that the Commission members had also received exhibits including a copy of the existing Article 9 text; the petitioner's proposed text; the staff alternative text; and a "clean copy" of the staff alternative proposed Article 9 text.

Ms. Wade stated that the purpose of this text amendment is to add Group Residential Projects as an allowable development in the R-5 zone, and to allow more flexibility in the defined Infill & Redevelopment Area for Group Residential Projects. She said that Article 8 of the Zoning Ordinance currently permits multi-family dwelling units as a principal use, but only allows one building per parcel. Article 9 of the Ordinance permits multiple buildings on one lot, such as apartment or townhouse complexes, but only in the R-1T, R-3, and R-4 zones. The Group Residential Project designation indicates that those developments that share parking, access, and amenities. The petitioner is requesting to add the R-5 zone to that list of zones that permit such developments, without having to subdivide each building onto its own lot. Ms. Wade said that there have been several zone changes in recent years to the R-5 zone, some of which were intended to allow apartment complexes. The petitioners in those instances were required to subdivide the properties so that each building existed on a separate lot. In those situations, the petitioners were required to meet the parking, landscaping, floor area, and lot coverage requirements for each lot, which often results in awkward subdivisions.

Ms. Wade said that the Planning Commission initiated a text amendment to Article 9 in 2009 that would have addressed some of the concerns raised by the petitioner. At that time, the stated goals of the proposed text amendment were to simplify Article 9, because there had been some interpretation issues; to clarify some of the standards; and to densify within the Urban Service Area, because the existing Article 9 standards are suburban in nature. Some design professionals in the community expressed concerns about the proposed draft text, and they and the staff were never able to reach an agreement about those issues and bring the text amendment before the Commission to be heard. Ms. Wade stated that, although that text amendment has not been acted upon since its initiation, the staff believes that their research on the existing Group Residential Projects in Lexington-Fayette County and other locales is still valid. The staff, therefore, has attempted to address some of the problems that petitioners experience with Article 9, as well as the petitioner's intent, with this proposed text amendment. Ms. Wade stated that the staff is requesting that the Planning Commission consider the staff alternative text, because it is more comprehensive than the petitioner's proposed minimal modifications now proposed to Article 9. She noted that a principal use needs to be added to Article 8-14, whether the Commission chooses to approve the petitioner's proposed text or the staff alternative.

Ms. Wade referred the Commission members to their copies of the proposed staff alternative text and the staff exhibit that compares and summarizes the differences between the existing Ordinance, the staff alternative text, and the petitioner's proposed text. She said that both the petitioner and the staff are proposing to add the R-5 zone to the list of zones where Group Residential Projects are permitted. Both the applicant and the staff are in agreement that a developer of a Group Residential Project should be permitted to follow either the Article 9 standards for parking, yards, and open space, or the standards for the underlying zone. However, whichever standards are chosen, they should be followed as a "package," rather than intermingled. The other differences between the petitioner's proposed text and the staff alternative can be characterized as furthering the goals of densification and clarification, or deleting things that are confusing. Ms. Wade stated that the staff alternative text proposes to add some permitted accessory uses; maintain staff approvals for Group Residential Projects that are less than five acres in size; and remove the 20% floor area penalty for Group Residential Projects that are less than five acres in size and seeking staff approval. With regard to yard requirements and other lot dimensions, the staff is proposing that front yard requirements reflect the underlying zone, rather than being variable; that project exterior yards be at most 20 feet, rather than at a minimum 20 feet; that less distance be required between buildings, up to 1/2 of the distance currently required; that the minimum distance between driveways be five feet; and that building heights be outlined in Article 9, rather than referring to the underlying zone.

Ms. Wade stated that the staff is proposing that parking requirements match what is currently allowed for the provision of one building on one lot in all of the other zones. Therefore, parking requirements for townhouses would not change, and multi-family buildings would be required to have 1.5 parking spaces per unit or .9 per bedroom. With regard to the required open space, Ms. Wade said that the Ordinance currently requires 20% usable open space. She explained that there has been some difficulty, when developing Group Residential Projects, in attaining the required 20%, as well as with the definition of "usable open space." The staff is proposing to allow for some variation in the open space requirements. Most developments of less than five dwelling units per acre have inherent open space; five to 15 dwelling units per acre would maintain the 20% as currently required; and higher density developments (16 dwelling units per acre and above) would have reduced open space requirements, in order to meet the goal of densification. The staff believes that, in very high density developments, the residents do not choose to locate there based on the availability of open space; rather, they seek more urban developments, many of which are located in the inner core and are therefore close to parks. Ms. Wade said, with regard to the changes to the defined Infill & Redevelopment area, that the staff is proposing to allow "bonus" floor area; reduced open space requirements if located within 1,000 feet of a public park; and that front yard averaging would be allowed.

Mr. Sallee stated that the Zoning Committee recommended referral of this text amendment at their meeting three weeks ago, due in part to the scope of the staff's recommended changes to the text, and the complexity of Article 9. He said that, at the Commission's work session one week prior to this hearing, the staff presented their alternative text to the Commission in more detail. There were several ideas brought forth by the Commission members at that meeting, and the staff attempted to address those by drafting four possible alternatives, which were emailed to the members prior to this hearing. Mr. Sallee said that the first alternative was drafted in error, as it would prohibit any Group Residential Project greater than five acres in size, which was not the staff's intent. The staff would suggest, therefore, taking that alternative

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off the table. With regard to possible alternative #2, at the work session, Mr. Brewer had referred, to some of the past work the staff had done with regard to the definition of "usable open space." The text proposed in alternative #2 was traced back to a staff draft from late 2008 or early 2009; at that time, it generated a considerable amount of controversy, which derailed the staff's efforts to increase density and simplify Article 9 with regard to new open space regulations. Mr. Saltee stated that each of the four proposed alternatives is designed to be substituted for a portion of the text of the staff alternative, either individually or collectively. He said that alternative #3 would address the usable open space "graduated scale" that the staff is proposing in their alternative text. There was a proposal at the Commission's work session last week to make that provision applicable only in the Infill & Redevelopment area, since most of the open space variance requests have been for properties in that area. Alternative #4 would provide the Commission a means by which to delete the open space "bonus" for a Group Residential Project inside the I/R area near an LFUCG park, which was also one of the issues discussed at the work session.

Mr. Saltee stated that the staff is recommending approval of the staff alternative text, for the reasons as listed in the staff report and on the agenda.

Petitioner Representation: Chris Westover, attorney, was present representing the petitioner. She thanked the staff for the hours they have devoted to this very complex issue, as well as for their satisfactory and appropriate staff alternative text, which will meet the petitioner's needs and address a number of issues that have long been in need of re-examination. Ms. Westover stated that the petitioner is in agreement with the proposed staff alternative text, including alternatives #2, #3, and #4. She added, with regard to alternative #3, that there might be some inherent flexibility to consider other types of open space, in addition to those outlined in alternative #2.

Citizen Comments: There were no citizens present to comment on this proposal.

Commission Questions: Ms. Copeland stated that she is concerned about the provisions for Group Residential Projects of less than five acres in size. She said that she would like to provide incentives for higher density, particularly for "going up," with regard to high-rise apartment buildings, but she is concerned about placing additional burdens on the parks system. Rather, it might be preferable to provide incentives other than open space, such as parking reductions, by placing higher-density housing complexes closer to transit service. That option could also address housing concerns for populations that need to be close to services, in order to live without cars.

With regard to the proposed changes to open space requirements, Ms. Copeland stated that she likes the manner in which the City of Louisville has addressed those standards, by requiring that 10% of the gross area of each site be identified as common open space. Those regulations also include a list of appropriate amenities, and require that all of the common open space be provided outdoors, rather than in an indoor pool and recreation facility.

Ms. Copeland said that she is also concerned that the Council might not be willing to approve the proposed text amendment with the provision for reducing open space on a site that is located near an LFUCG park, since that could have an impact on the single-family neighborhoods that typically border parks. She added that the families who live near parks can also serve as a type of "neighborhood watch" for the activities that occur there, and that the parks could become more dangerous if they are located closer to much higher-density housing.

Petitioner Comments: Ms. Westover said that there have been a number of efforts since the adoption of the Infill & Redevelopment regulations at reducing parking, including the adaptive reuse and mixed-use zoning categories. She stated that she has no problem with those concepts in theory, but the petitioner intends to file a final development plan/preliminary subdivision plan for their property within the next month, and this proposed text amendment needs to move forward to the Council as soon as possible. Ms. Westover suggested that the best means to address those concerns might be via a follow-up study, rather than trying to draft appropriate language "on the fly" at this public hearing, since many of the parking regulations appear to be antiquated and in need of updating.

Commission Comments: Ms. Copeland stated that high-rise apartments located near services would not need the amount of parking that is required, although it could still be provided. She said that she believes that parks are a luxury, and that dense developments need to be located near services and transportation, rather than parks. Ms. Westover said that she believes that those concerns bear closer examination, and that the staff has attempted to address them through the various iterations of the mixed-use zoning categories and adaptive reuse provisions.

Mr. Cravens stated that, based on his experience, a developer most likely would not designate a 20-acre development as a Group Residential Project. With regard to Ms. Copeland's concerns about overburdening the parks system, he said that park fees are included in the cost of a building permit for each single-family dwelling. Mr. Cravens believes that the provision for an open space reduction based on proximity to a park would not act as a guarantee that those residents would use the park; rather, it would be a means for the developer to meet the open space requirements. Ms. Copeland stated that some commercial areas have an energy that is similar to that of a common open space.

Ms. Westover stated that the draft was written so that the park issue would be entirely discretionary by the Planning Commission. She said that the Commission would have that tool to use in appropriate locations, but they would also be able to deny it in inappropriate locations.

Staff Comments: Ms. Wade said that the Planning Commission could add language to allow the consideration of an open space reduction if located near a park, but it would not be required. Ms. Wade distributed a staff exhibit with slightly modified language to Section 9-7(c) of the staff alternative. Ms. Copeland stated that it might be appropriate to tie possible open space reductions to transit routes or areas that provide services. Ms. Wade responded that the transportation connection is already in place, in Article 16. That Article allows that, if a project is located within 300 feet of a transit stop, the required parking can be reduced by 5%. If that transit stop has a shelter, parking can be reduced by 10%. Ms. Copeland asked if there is a provision in place to tie parking reductions to proximity to essential services. Ms. Wade answered that she believes that that is a good idea, but she is unsure how to add such a provision to this text amendment as it currently appears before the Planning Commission.

Mr. Cravens asked if any of the four alternatives provided by the staff are required. Ms. Wade answered that those alternatives are options, and the Commission could choose to approve this text amendment without them.

Action: A motion was made by Mr. Cravens, seconded by Mr. Penn, and carried 7-0 (Berkley, Blanton, and Brewer absent) to approve the staff alternative text for Articles 8 and 9 for ZOTA 2012-3, including the revision to Section 9-7(c) proposed by staff.

VI. COMMISSION ITEMS

1. **PFR 2012-2: FAYETTE COUNTY PUBLIC SCHOOLS** – a public facility review for proposed expansion and renovation to James Lane Allen Elementary School, located at 1901 Appomattox Road; Meadowthorpe Elementary School, located at 1710 North Forbes Road; Stonewall Elementary School, located at 3215 Cornwall Drive; and Tates Creek Elementary School, located at 1113 Centre Parkway.

Staff Presentation: Ms. Rackers stated that Fayette County Public Schools (FCPS) has requested a Public Facility Review for expansions to James Lane Allen, Meadowthorpe, Stonewall, and Tates Creek Elementary Schools. She said that two of the schools have existed in their present locations since the late 1950s, and the others since the early 1960s. Each facility has had a minimum of two major building additions since their original construction; the most recent was for James Lane Allen in 1995.

Ms. Rackers stated that the 2007 Comprehensive Plan recommends Public Education land use for each of the four properties, based on their historic use for educational institutions, and the desire of the schools to remain there. The 2007 Comprehensive Plan also addressed the need for renovation for many of the public school sites in its text, noting that those renovations are part of the plans to make Fayette County Public Schools a world-class school system by 2020. The staff found that there was nothing in either the text or the Goals and Objectives of the Comprehensive Plan in opposition to this request.

Ms. Rackers said that several school renovations have already been completed, and several other are currently in process. Construction at Stonewall is projected to begin in April, and the other schools in June, all with a projected completion date by December 2013. All of the schools will remain occupied during construction through the use of portable classrooms and restrooms.

Ms. Rackers oriented the Commission to the location of each of the schools. With regard to James Lane Allen Elementary School, she said that access to the property is provided on Maywick Drive and Appomattox Drive. The zoning in the surrounding area is almost all residential, with the exception of the adjacent Kroger shopping center, which is zoned B-1. The site is 15 acres in size, with a one-story building containing 58,546 square feet. FCPS proposes to demolish just over 11,000 square feet of the existing building, and to add just over 25,000 square feet, for a total of 72,592 square feet when completed. The school will be able to accommodate 600 students when construction is complete, and all of the improvements will be ADA compliant. FCPS also proposes to revise the parking area, and to add an access for busses only. Ms. Rackers noted that the James Lane Allen property slopes steeply to a creek and FEMA floodplain area along its property line. In order to not exacerbate the existing flooding problems in the area, the staff is recommending the use of Best Management Practices as part of the renovation.

Ms. Rackers said that Meadowthorpe Elementary School property is zoned R-1C, and is nearly surrounded with R-1C zoning, with the exception of some I-1 zoning to the north and northwest. The existing building is 45,230 square feet in size. Upon completion of the proposed total renovation, which will include selective demolition and construction, the building will be 69,460 square feet in size, to accommodate 600 students. FCPS is also proposing to add new paving and additional parking spaces. As with the James Lane Allen renovation, all improvements will be ADA compliant.

With regard to Stonewall Elementary School, Ms. Rackers said that the subject property is zoned R-1B, and it is completely surrounded by residential uses, with the exception of an LFUCG park. FCPS proposed to do selective demolition and con-

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struction on this school as well. The completed building is proposed to be 78,176 square feet in size, to accommodate 775 students. There are two existing parking and drop-off areas, one of which is for use by parents. The other drop-off area is a bus loop, which is also used as a service drive and fire lane. Ms. Rackers noted that there is an area of FEMA floodplain along the northern property line, created by the creek in the LFUCG park. The staff is recommending the use of Best Management Practices at this location as well, in order to avoid exacerbation of the flooding.

Ms. Rackers said, with regard to Tates Creek Elementary School, that the subject property is zoned A-U. It comprises the entire Tates Creek campus, including the elementary, middle, and high schools. The subject property is 64 acres in size, of which nine acres are occupied by the elementary school. The subject property is surrounded by a mix of residential zoning. The existing one-story building is 64,000 square feet in size, and it is proposed for a total renovation. FCPS proposes to demolish a small portion of the existing building and add approximately 20,000 square feet, with all improvements being ADA compliant. The total building square footage is proposed to be approximately 80,000 square feet in size, and it will accommodate 725 students. There is an area of FEMA floodplain along Greentree Road, so the staff is recommending the use of Best Management Practices for this renovation as well.

Ms. Rackers stated that all of the renovations are proposed to replace the mechanical, electrical, and fire protection systems; replace all interior finishes; add new door hardware; renovate the cafeterias; and add new kitchen equipment. The new construction will vary, depending on the needs of each individual school. Ms. Rackers said that the staff is recommending approval of this request, because it is in compliance with the Comprehensive Plan. The staff also recommends that any applicable permits be obtained from the Division of Building Inspection.

FCPS Representation: Kevin Warner, Carman and Associates, stated, with regard to the staff's recommendation to use Best Management Practices, that all of the additional pavement at Meadowthorpe and Stonewall sites will be permeable pavers. FCPS is proposing to remove some existing asphalt paving and use the permeable pavers to offset some of the additional building square footage. Mr. Warner added that the detention basin at the Tates Creek site will be enlarged in order to manage any additional runoff

Commission Question: Ms. Roche-Phillips asked if the new construction would be LEED certified. Mr. Warner answered that FCPS does not certify its existing facilities with LEED, due to the extra cost. However, they participate in the Green and Healthy Schools program, which has goals similar to those of the LEED program, although there is no certification.

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Wilson, and carried 7-0 (Berkley, Blanton, and Brewer absent) to approve PFR 2012-2, for the reasons provided by staff.

VII. **STAFF ITEMS** – No such items were presented.

VIII. **AUDIENCE ITEMS** – No such items were presented.

IX. **MEETING DATES FOR APRIL, 2012**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	April 5, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	April 5, 2012
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	April 12, 2012
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	April 19, 2012
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	April 25, 2012
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	April 26, 2012

X. **ADJOURNMENT** – There being no further business, Chairman Owens declared the meeting adjourned at 5:45 p.m.

TLW/TM/CT/BJR/BS/src

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